**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD**

OHIO SECURITY INSURANCE COMPANY,

       Plaintiff,

v.   **CIVIL ACTION NO. 1:15-16264**

K R ENTERPRISES, INC., et al.,

       Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's motion to return this case to the court's active docket. (ECF No. 134). On June 26, 2018, this court placed this case on the inactive docket based upon plaintiff's representations that the negotiated settlements and releases it had entered into in this litigation would resolve the claims of all parties to this litigation. See ECF No. 133. The court also cancelled a status conference scheduled for July 12, 2018, that had been scheduled solely to address the claims of any defendants who had not yet settled with plaintiff. Plaintiff now moves to return this case to the court's active docket because it failed to settle its claims with K R Enterprises, Inc. K R Enterprises is currently in default in this matter. New counsel has recently entered a notice of appearance on behalf of K R Enterprises and has opposed the motion to return the case to the court's active docket.

The bottom line is that there is an ongoing controversy in this matter. For this reason, plaintiff's motion to return the case to the court's active docket is **GRANTED** and the Clerk is **DIRECTED** to return this matter to the court's active docket. With respect to plaintiff's renewed motion for default judgment, K R Enterprises' objection is noted and its motion to deny that motion <u>at this juncture</u> is denied. K R Enterprises may, within fourteen (14) days from entry of this order, respond to that motion on the merits. If K R Enterprises files a response, plaintiff may file a reply within the timeframe established by the local rules.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record and to any unrepresented parties.

IT IS SO ORDERED this 3rd day of October, 2018.

ENTER:

David A. Faber
Senior United States District Judge